

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TENNESSEE**

---

In re: STANLEY RAY NEVILLES  
SUSAN LAVETTE NEVILLES

Case No. 19-28378  
Chapter 13

Debtor(s)

---

MOTION UNDER RULE 3002.1(e)

---

Come now the debtors, by and through counsel of record, and move this Court pursuant to Rule 3002.1(e) and would state:

1. That U.S. Bank National Association for Rushmore Loan Mgmt (hereinafter referred to as “mortgagee”) filed a notice pursuant to Rule 3002.1(c) on September 29, 2022 claiming that \$1,288.00 in fees, expenses and/or charges were incurred after the case was filed that are recoverable against the debtors or against the collateral.

2. That the debtors’ Chapter 13 plan provides for payment of mortgagee's claim pursuant to 11 U.S.C. § 1322(b)(5).

3. That the debtors contend that the payment of said amounts are not required by either the underlying agreement or by applicable non-bankruptcy law to cure a default or maintain payments in accordance with § 1322(b)(5) and further said amount should not be recoverable by mortgagee against the debtors or against the collateral.

WHEREFORE, PREMISES CONSIDERED, the debtors pray:

a) That the Court to determine that the payments of said fees, expenses and/or other charges are not required to be paid by either the underlying agreement or applicable non-bankruptcy law to cure a default or maintain payments in accordance with § 1322(b)(5) and to prohibit mortgagee from collecting same against the debtors or against the collateral;

b) Alternatively, to modify the plan to provide for payment of any recoverable amounts, to pay said amounts along with the arrearage claim, and to prohibit mortgagee from collecting said amounts in any way that is inconsistent with this order, including but not limited to, through any adjustment in the amount of the ongoing mortgage payment;

c) To determine what charges, if any, are recoverable by mortgagee against the debtors or against the collateral to resolve this motion;

d) That any orders providing otherwise be vacated; and

e) For such other and further relief to which the debtors may be entitled.

Respectfully Submitted,

/s/ Herbert Hurst

Herbert Hurst 18721  
Hurst Law Firm, P.A.  
Attorney for Debtor(s)  
P. O. Box 41497  
Memphis, TN 38174-1497  
(901) 725-1000

---

**CERTIFICATE OF SERVICE**

---

The undersigned party, attorney for party, or agent therefore, hereby certifies that on this 7th day of October 2022, copies of the above document were electronically mailed, mailed via the United States Postal Service, or hand delivered to the parties listed.

/s/ Joshua Kirk

Hurst Law Firm, P. A.  
Attorney for Debtor(s)  
P. O. Box 41497  
Memphis, TN 38174-1497  
(901) 725-1000

**NAMES AND ADDRESSES OF ENTITIES SERVED:**

Debtor  
Chapter 13 Trustee

McMichael Taylor Gray, LLC  
3550 Engineering Drive, Suite 260  
Ste 260  
Peachtree Corners, GA 30092

U.S. Bank National Association  
for RMTP Trust, Series 2021 BKM-TT  
Rushmore Loan Management Services  
PO Box 55004  
Irvine, CA 92619-2708